THE WORD BEFORE THE BLOW

How Power Uses Law and Language to Make Its Violence Invisible

On the relationship between law, dehumanization, and coercive force as a single integrated system

> *The law in its majestic equality forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal bread.*
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> *— Anatole France, The Red Lily, 1894*

Thomas J. Bryan

I. The Blow Comes Last

Every act of state violence requires an audience that will accept it. The soldier who shoots, the guard who beats, the police officer who pins a man to the ground — none of them operates in a vacuum. The people watching must be persuaded not to intervene, not to protest, not to regard what they are seeing as the kind of thing that demands a response. For most of history, most of the time, they are successfully persuaded. The question is how.

The answer is not simply that power is too frightening to resist, though that is often part of it. The answer is that the violence has been prepared. Before the blow lands, something else has happened: the target of the violence has been placed into a category that removes them, in the eyes of the watching audience, from the community of people whose suffering matters. They have been labeled. And the label does the work that the blow cannot do alone.

This paper is about the relationship between law, language, and coercive force — specifically about the sequence in which they operate and why that sequence is not accidental. The law comes first, because it creates the categories. The label comes

second, because it places the target inside the category. The violence comes last, because by then the audience has been told what they are seeing. They are not watching a person being beaten. They are watching a criminal being processed. They are not watching a community being destroyed. They are watching the law being enforced.

The mechanism is not a modern invention. It appears, in structurally identical form, wherever organized power has needed to use coercion against populations that are too large to simply kill wholesale and too intractable to simply ignore. What changes across historical periods is the specific vocabulary — the particular categories, the particular labels, the particular justifications. What does not change is the sequence: law creates category, information apparatus applies category, category licenses violence. The blow comes last because it has to. The word must come first.

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II. The Rules and Who Writes Them

Start with the most basic question, the one that is almost never asked: what makes a law just? The answer that most people have absorbed, without necessarily examining it, is that laws represent a society's collective moral commitments — that they are the crystallized wisdom of a community about what is right and wrong, arrived at through some process of deliberation and consent. On this view, breaking the law is wrong because the law tracks wrongness. The thief is a criminal because stealing is wrong. The murderer is a criminal because murder is wrong.

But this account requires a closer look at who the community is, how the deliberation works, and whose consent was actually sought. In May 1787, fifty-five men gathered in Philadelphia to draft the foundational legal document of what would become the world's most powerful nation. Every one of them was white. Every one of them owned property. Many owned slaves. None of the people who would live under the document they were producing had any meaningful voice in its construction. The enslaved population was legally counted as three-fifths of a human being — not for the purpose of granting them rights, but for the purpose of calculating congressional representation, which was to say for the purpose of giving the slaveholding states more power in the government that would rule over the enslaved.

The historian Charles Beard, in a landmark 1913 study, examined the economic holdings of the men who wrote the Constitution and found that they were overwhelmingly bondholders, merchants, and financiers whose personal wealth depended on the establishment of a strong central government capable of enforcing contracts, suppressing labor unrest, and preventing the kind of debtor relief that state legislatures had been providing to ordinary people who could not pay their creditors. The Constitution that emerged from Philadelphia protected private property with extraordinary thoroughness. It said almost nothing about workers, nothing about the landless, nothing about women, and categorized the enslaved explicitly as property. The document was, in Beard's phrase, an economic document drawn with superb skill by men whose property interests were immediately at stake.

This is not a peculiarity of the American founding. It is the normal condition of law. Law is not a neutral arbitration system that emerged from nowhere. It is the product of whoever controlled the institutional apparatus at the moment of its writing, and it consistently reflects the interests of those people. The English Statute of Labourers, enacted in 1351 in the immediate aftermath of the Black Death, is perhaps the most nakedly illustrative example in the historical record. The plague had killed between a third and half of the English population. Suddenly, for the first time in centuries, workers had leverage. They could refuse bad conditions. They could demand higher wages. They could move to a better employer. The surviving population, exhausted and decimated, had for a brief historical moment the upper hand.

Parliament acted within two years. The Statute of Labourers fixed wages at pre-plague levels, made it a crime to demand higher pay, criminalized the movement of workers away from their manors without permission, and compelled all able-bodied people below sixty years of age to accept work at the statutory rate or face imprisonment. The men who wrote this law were the landowners who sat in Parliament. The people it was designed to control were their own laborers. The law did not pretend to be anything other than what it was: a mechanism for preserving the economic advantage of property owners against the unexpected bargaining power of the people who worked their land. Demanding a fair wage — what the market would otherwise have produced — was made a crime. The criminal was the person who tried to benefit from his own scarcity.

The pattern repeats across centuries and civilizations. The laws that govern any society are not the laws that a free and equal deliberation would have produced, because no

such deliberation has ever taken place. They are the laws that the people with the power to write laws found useful to have written. This does not mean that every law is malicious or that no law serves genuinely shared interests. It means that when law consistently produces outcomes that benefit the wealthy and harm the poor, when it consistently protects property more aggressively than it protects people, when it consistently criminalizes the behavior of the powerless and legalizes the behavior of the powerful — these outcomes are not accidents. They are the predictable results of who was in the room when the rules were made.

> *The crucial question is never whether a law exists. The question is who wrote it, in whose interest, and against whom it will be enforced.*

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III. The Label and What It Does

Power that writes the law has accomplished only half the task. The law creates a category — the vagrant, the heretic, the criminal, the enemy combatant, the terrorist. But the category must be applied to actual people, and the audience must be persuaded that the application is correct. This is the work of what we might call the information apparatus: the official communications of the state, the media that operates within the state's tolerant range, the educational institutions that teach citizens how to interpret what they see, the religious or ideological framework that provides moral categories for sorting people into legitimate and illegitimate.

The label does something specific and essential. It moves the person who receives it out of the moral community — the circle of people whose suffering registers as suffering and whose deaths register as deaths. The philosopher David Livingstone Smith, who has spent his career studying dehumanization, argues that it is not merely rhetorical. When the Nazis called Jews rats, they did not mean it as a metaphor. When Rwandan Hutu broadcasters called Tutsis cockroaches in the weeks before the genocide, they were not using colorful language. They were performing an ontological reclassification — placing human beings into a category in which the normal inhibitions against killing do not apply. Smith's research suggests that humans have very deep psychological barriers against killing members of their own kind. Dehumanization is the mechanism that allows those barriers to be overcome.

But dehumanization operates along a spectrum, and its most common form is not the extreme case of genocide or war. The more typical case is the quiet, juridical dehumanization that happens every day through the operation of ordinary law and ordinary media: the label of criminal, which accomplishes within a society what the label of enemy accomplishes between societies. The criminal has, by definition, broken the social contract. He has placed himself outside the community of legitimate persons. What happens to him is, officially, not violence but consequence. It is not the state harming a person. It is justice responding to wrongdoing.

This distinction — between violence and consequence, between harm and justice — is not a natural fact. It is a construction, and it is constructed specifically by the prior operation of the law. The law defines what counts as wrongdoing. The media and educational apparatus communicate that definition to the population. The population, having internalized the definition, interprets the enforcement of the law through that lens. A person being beaten by police is not a person being beaten. He is a suspect resisting arrest. A family being evicted is not a family being put into the street. It is a landlord recovering his property from people who broke their contract. The violence is rendered invisible by the category that preceded it.

The philosopher Anatole France captured this dynamic with mordant precision in 1894: the law in its majestic equality forbids rich and poor alike to sleep under bridges. The equality of the prohibition is formal and real. What is not equal is the population to which it applies. The wealthy have no occasion to sleep under bridges. The prohibition lands on the poor, and only on the poor, and they can be arrested for violating it. The law is neutral. Its effects are not. And the mechanism that makes this acceptable to the watching public is the label: the vagrant, the vagrant is a criminal, and the criminal is receiving what the law prescribes.

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IV. Inside and Outside: Two Different Labels for the Same Function

One of the most illuminating features of the dehumanization mechanism is that the specific label used depends entirely on the audience, not on the person being labeled. Different audiences require different categories, because different audiences have

different frameworks for identifying who is and who is not a legitimate member of the moral community. The label must be legible to the audience — it must activate the existing frameworks through which the audience interprets the world — or it will not do its work.

Consider how the United States has justified violence against populations it needed to harm since the attacks of September 11, 2001. Against populations outside the country — in Afghanistan, Iraq, Pakistan, Yemen, Somalia — the primary label was terrorist. This label worked because the audience for whom it was intended, the American domestic population, had little direct knowledge of or relationship with the people being labeled. They existed in the category of the foreign, the other, the not-quite-real. The label terrorist activated their existing framework of civilizational threat — the product, as the previous papers in this series discussed, of decades of institutional saturation that had already marked these populations as alien and potentially dangerous. Placing specific people inside the category was easy. The audience was primed to accept it, and accepted it with such completeness that hundreds of thousands of deaths produced essentially no sustained moral crisis among the American public.

The Abu Ghraib photographs, released in 2004, showed American soldiers torturing and sexually humiliating Iraqi prisoners. The official investigation found that the labeling of prisoners as unlawful enemy combatants — a legal category invented specifically to remove them from the protections of the Geneva Conventions — had created what investigators called a climate of contempt toward detainees. An Air Force psychiatrist who studied the prison concluded that the label terrorist, applied broadly and without individual adjudication, was a primary factor in the abuse. A soldier from the unit recalled being told that the prisoners were nobodies. The label had done its work before the first photograph was taken. The violence was, in a sense, downstream of the classification. Make them nobody, and you can do to them what you cannot do to somebody.

But the terrorist label could not function domestically. The populations that American power needed to control within its own borders — Black communities, labor organizers, antiwar activists, political opponents — could not be called terrorists in 1968 or 1971 with any credibility. They were your neighbor's son. They were the people at the church. They were the congressman from across the aisle. They occupied the same social world

as the audience the label was supposed to persuade, and social proximity makes dehumanization harder. A different label was needed.

The label chosen was criminal. In 1994, John Ehrlichman — President Nixon's chief domestic policy advisor, by then long since out of government and apparently willing to speak plainly — described what the War on Drugs was actually designed to accomplish. We knew we couldn't make it illegal to be either against the war or black, he said, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings. The domestic equivalent of the terrorist — the person who can be subjected to state violence without triggering a protective response from the watching public — was the drug criminal. The label worked because the population had been prepared to receive it. Years of media coverage, political rhetoric, and institutional messaging had associated Blackness with crime, poverty with moral failure, and dissent with lawlessness. The law then made these associations operational: possession of certain substances became a crime, enforced with extraordinary aggressiveness in certain communities and extraordinary leniency in others.

Between 1971 and today, the American incarcerated population grew from roughly 300,000 to more than 2 million people. The majority of the growth was driven by drug offenses. The majority of the people imprisoned were Black and Latino, despite the fact that white Americans use drugs at comparable rates and are more likely to sell them. The law was formally neutral. Its application was not. And the mechanism that made this acceptable — that prevented the sustained moral outrage that two million imprisoned people might otherwise produce — was the prior operation of the label: they are criminals. Criminals are receiving what they deserve. The violence of mass incarceration is not violence. It is justice.

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V. The Historical Depth of the Pattern

It is tempting to read the War on Drugs or the War on Terror as particularly cynical innovations of modern American politics. They are not. They are contemporary instances of a pattern with roots that extend as far back as organized power itself. The

specific labels change with the vocabulary available to each period. The sequence — write the law, apply the label, license the violence — does not.

The English vagrancy statutes offer a clear pre-modern illustration. The first comprehensive English vagrancy law was enacted in the sixteenth century, in the aftermath of the enclosures — the process by which common land that peasants had farmed for generations was converted into private property, primarily for sheep grazing, producing enormous profits for the landowners and dispossessing hundreds of thousands of people who had no alternative means of subsistence. These people — homeless, landless, wandering in search of work or food — were then labeled vagrants and subjected to increasingly harsh punishment: whipping, branding, galley slavery, execution for third offenses. The law that criminalized their condition was written by the Parliament of landowners who had created that condition through the enclosures. The vagrant was not a person who had been destroyed by an economic policy. The vagrant was a criminal who had chosen idleness over honest labor.

The American version of this sequence was refined with particular efficiency after the Civil War. When the Thirteenth Amendment abolished slavery in 1865, the Southern states faced a specific problem: they had built an entire economic system on unfree labor, and that system had just been legally dismantled. Their response was to use the law to recreate the conditions of unfreedom under a different name. The Black Codes, passed across the former Confederacy within months of emancipation, criminalized virtually every form of Black freedom and mobility except the one that was not criminalized: working for a white man on a white man's terms. Being unemployed was a crime. Moving without documentation was a crime. Assembling in groups was a crime. Standing on a street corner was a crime. The formerly enslaved population, newly freed, was immediately re-criminalized. The violence of the slave patrols became the violence of the convict leasing system, in which prisoners — overwhelmingly Black, imprisoned for violations of these targeted laws — were leased to plantations and mines under conditions that were, by most measurements, worse than those of the slavery that had just been abolished. The label had changed. The economics had not.

The vagrancy law tradition that produced all of this has roots, as legal historians have documented, not in moral philosophy but in labor control. The medieval English statutes of laborers, the sixteenth-century vagrancy acts, the Reconstruction-era Black Codes, the twentieth-century loitering laws — they form a continuous genealogy of

legislation designed to ensure that people without property have no alternative to accepting the terms offered by people with property. The crime is not stealing. The crime is not harming anyone. The crime is refusing to be economically exploitable on the terms that the property owners prefer. And because the property owners write the laws, that refusal is a crime.

What makes this genealogy so instructive is precisely its longevity. The pattern has persisted across centuries and political systems not because it is secretly coordinated but because it is structurally useful. Any regime that depends on extracting labor or compliance from a population that would, given a free choice, prefer different terms will eventually need to use coercion. Using coercion requires making it look like something other than coercion. Making it look like something other than coercion requires the prior operation of a label. And generating the label requires control of the information environment in which the audience forms its judgments about who deserves what. The sequence is self-replicating because each element enables the next, and because the people who benefit from the arrangement control all three elements.

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VI. The Information Problem

Everything in the mechanism described above depends on a population that does not see what the mechanism is doing. If the watching audience understood that the laws were written by property owners in the interest of property owners, that the labels were generated by institutions controlled by the same class, that the violence was the predictable outcome of a system designed to enforce economic arrangements that benefit the few at the expense of the many — the mechanism would not work. The violence might continue, but it would be naked and obviously illegitimate, and naked illegitimacy is politically costly in ways that laundered illegitimacy is not.

This is why information control is not a separate element of the system but its precondition. The law can only produce the label it needs to produce if the population has been prepared to receive that label. The label can only license the violence if the audience has internalized the framework that makes the label meaningful. The framework can only be internalized if the institutions that transmit it — schools, media, churches, political rhetoric — are reliably communicating the right categories in the

right ways. Control the information environment and you control the moral vocabulary. Control the moral vocabulary and you control who counts as a criminal and who counts as a legitimate member of the community. Control that distinction and you control who can be subjected to violence without producing outrage.

The Ehrlichman confession is valuable precisely because it makes explicit what is almost always implicit. He described a deliberate strategy: associate certain populations with certain crimes in the public mind, criminalize those crimes aggressively, and use the resulting label to justify the coercion those populations would otherwise resist. What the confession reveals, in its offhand candor, is that the people running the information operation knew exactly what they were doing. We could vilify them night after night on the evening news. The evening news was the mechanism. The label was the product. The incarceration was the goal.

But this explicit case, useful as it is, is in one way misleading. It suggests that the mechanism requires conscious strategists. Most of the time, it does not. The English landowner who used the vagrancy laws against his dispossessed tenants was not necessarily aware of a strategy. He had a sincere belief that vagrants were lazy and immoral and that the law was merely enforcing proper social order. The American police officer who applied drug laws with particular aggression in Black neighborhoods was likely not consciously implementing a racial control program. He was doing his job as he understood it, in a framework that had been provided to him by institutions he had every reason to trust. The mechanism works best when the people operating it are sincere, because sincerity removes the cognitive dissonance that might otherwise produce doubt.

This is the deepest point, and the hardest one to communicate. The system does not require bad people. It requires an information environment in which good people — people with genuine moral commitments, people who sincerely believe they are doing right — are given frameworks that make them capable of doing the system's work without recognizing it as such. The guard who dehumanizes is not performing dehumanization as a strategy. He is applying a genuine belief about the nature of the person in front of him, a belief that was installed by the institutional environment in which he was formed. The journalist who covers crime through a racial lens is not consciously operating a propaganda apparatus. She is reporting what she has been trained to see as newsworthy, in a professional culture that defines news through

frameworks she did not choose. The teacher who explains that the law reflects society's moral values is not lying. He is transmitting what he was taught, in an institution whose curriculum was designed by people he never met.

None of this is a conspiracy. It is something more durable than a conspiracy, because conspiracies can be exposed and collapse. This is a self-reinforcing system in which each generation transmits to the next the categories that make the violence of the present look like the justice it claims to be.

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VII. The Test of the Mechanism

If the argument of this paper is correct, it should generate testable predictions. The most important prediction is this: wherever power needs to coerce a population and cannot do so nakedly, it will first produce a label for that population that places them outside the community of people whose suffering the audience is primed to care about. The label will be drawn from the moral vocabulary of the audience — it will activate existing frameworks rather than introducing new ones. And crucially, the label will be defined by law, because law gives the label official status and places the violence that follows under the protection of institutional legitimacy.

This prediction holds with remarkable consistency across the historical record. In 14th-century England, peasants demanding the wages the market would produce were labeled vagrants and criminals. In 16th-century England, people displaced by enclosures were labeled vagrants and criminals. In 19th-century America, freed Black people were labeled criminals. In 20th-century America, Black political organizers and antiwar activists were labeled criminals. In 21st-century America, people of color in poor communities are labeled criminals. In 21st-century American foreign policy, Muslim populations resisting military occupation are labeled terrorists. In each case, the label preceded the violence. In each case, the label was given official status by law. In each case, the audience was prepared to receive the label by an information environment controlled by the same institutional networks that wrote the law.

The prediction also holds at the level of fine structure. Notice that the label changes when the audience changes. The terrorist label works internationally, against populations the domestic audience does not know. It fails domestically against

populations the audience does know. The criminal label works domestically. But within the domestic context, different criminal labels are deployed against different threats. Drug crime for Black communities and antiwar protesters. Financial crime — almost never prosecuted — for corporate elites who cause comparable or greater harm through entirely legal means. The selectivity of enforcement is not random noise. It follows the pattern of who poses a threat to the existing arrangements, and the label follows accordingly.

The system is not infallible. There are moments when the label fails — when the violence is too visible, the victim too sympathetic, the audience too directly connected to them for the label to hold. The American Civil Rights Movement of the 1950s and 1960s succeeded in part because television made the violence visible at the exact moment when the gap between the label and the reality had become too large. The people being beaten in Selma were labeled criminals. They were seen being beaten by millions of people who knew that what they were watching was not the punishment of criminals but the coercion of neighbors. When the label breaks down, the violence becomes nakedly itself, and naked violence delegitimizes the system that deploys it. This is why every serious social movement has prioritized the battle over the label — over whether its members are seen as criminals or citizens, as threats or victims, as subhuman or human.

This also explains the urgency with which power attempts to restore the label when it breaks down. After the Civil Rights Movement exposed the violence of Southern law enforcement to a national audience, the response was not to abandon coercive control of Black communities. It was to find a new label. The label of criminal was reconstructed on a new foundation: not overt racial law but the drug war, applied with racial selectivity under formally neutral statutes. The mechanisms were different. The population targeted was the same. The label had been rebuilt on new grounds, and with it the capacity to deploy violence against that population without producing sustained moral outrage in the audience.

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VIII. What Cannot Be Said Out Loud

There is something the mechanism cannot survive saying openly. It cannot say: we are using the law to protect our interests, and we are using the label of criminal to

dehumanize the people who threaten those interests, and we are using the information apparatus to make you believe that what is happening is justice rather than coercion. If it said this, the audience would not accept it. The power of the mechanism depends entirely on its invisibility.

This is why the most revealing moments in the historical record are the ones where someone speaks candidly — the Ehrlichman confession, the frank statements of parliamentary intent in the Statute of Labourers debates, the explicit arguments of the Founding Fathers about the need to protect property owners from the tyranny of the majority. These moments are revealing precisely because they are exceptions. They show us the mechanism operating without its usual cover, and they confirm that the cover is maintained by the people operating the mechanism as a deliberate strategy, even if individual participants within the system have no such strategic awareness.

The cover story has two components, and they work in tandem. The first is the claim that the law is just — that it reflects genuine moral commitments arrived at through legitimate deliberation, rather than the interests of whoever controlled the room when it was written. The second is the claim that enforcement is neutral — that the label is applied to the people who actually commit the relevant acts, rather than to the people who threaten the relevant interests. Both claims are false in the systematic way that matters, and both are maintained by the information apparatus that the mechanism requires.

The person who begins to see the mechanism clearly confronts a disorienting experience. The entire vocabulary through which she has been taught to interpret social reality — criminal, vagrant, terrorist, lawbreaker — is revealed as a technology of control rather than a neutral description of moral fact. The violence she has been taught to see as justice is revealed as coercion in costume. The laws she has been taught to see as collective moral agreements are revealed as the product of particular interests inscribed into institutional form. This is disorienting not because it requires the acceptance of terrible facts about the world — though it does — but because it removes the framework through which the terrible facts were made acceptable. And removing that framework does not automatically provide another one.

This is why seeing the mechanism clearly is both important and insufficient. Important because without it, the violence will continue to present itself as justice, and the audience will continue to accept the presentation, and the people subjected to the

violence will continue to be told that they brought it on themselves. Insufficient because the mechanism is not maintained by bad ideas alone. It is maintained by institutions — by who controls the law, who controls the media, who controls the schools, who controls the police. Changing the ideas without changing the institutions that produce and reproduce them is the intellectual equivalent of pulling weeds without disturbing the roots. The weeds return.

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IX. The Sequence

Let the sequence be stated plainly, because it is the argument of this paper and it is easy to lose in the historical detail.

Power — by which we mean organized groups of people who control institutions and the force that backs them — must extract compliance from populations that would, given a genuine choice, arrange their affairs differently. This extraction requires the threat or use of coercion. But coercion on its own is politically expensive, because people have strong intuitions against the naked use of force against members of their own community. The solution is to make the coercion not look like coercion.

The first move is to write the law in ways that criminalize the behaviors that threaten power's interests. This is disguised as the codification of universal moral norms. In practice, it consistently prohibits what the powerless do to survive or resist — demanding market wages, moving freely, organizing collectively, existing in public while poor — while permitting what the powerful do to accumulate and maintain — extracting labor below market rates, monopolizing land and resources, suppressing competition, evading accountability for financial harm. The law is formally neutral. Its content is not.

The second move is to apply the resulting criminal label to specific populations. The label draws on the information framework that has been transmitted to the audience through schools, media, and other institutional channels. It activates existing prejudices and categories — existing frameworks for deciding who is in the moral community and who is outside it. The label is presented as a neutral factual description. It is a moral reclassification.

The third move is the violence. It comes last because by then it is not violence. It is the system working as it should, delivering consequences to people who have earned them

by stepping outside the community of legitimate persons. The police officer who beats the suspect is enforcing the law. The prison guard who brutalizes the inmate is maintaining order. The soldier who kills the terrorist is protecting civilization. In each case, the label has preceded the blow, and the blow reads as justice.

The audience that accepts this reading is not stupid. It is saturated. It has been formed by institutions that consistently present the same framework for interpreting social reality, and that framework makes the violence invisible by turning it into something else before it arrives. The audience is not lying when it accepts the label. It is applying what it has genuinely been taught.

The person in the cell, however, knows what happened. The sequence is entirely clear from inside it. The law was written against her. The label was applied to her. The violence was then deployed against her in the name of the law that was written against her. She did not consent to the law. She was not consulted about the label. She had no meaningful ability to resist the violence. What she received was not justice. It was power, using the mechanisms described in this paper, to ensure her compliance with arrangements she did not choose and from which she does not benefit.

The difference between the two views — the view from inside the cell and the view from outside it — is not a difference in intelligence or moral capacity. It is a difference in position. The person outside the cell has been successfully managed by the information apparatus. The person inside it has not. She has received, instead, the direct experience of what the apparatus is designed to make invisible. Her testimony is therefore more reliable than the framework that contradicts it. Not because suffering confers truth, but because the framework was designed specifically to make her invisible, which means she can see the framework from the outside in a way that the people inside it cannot.

The word came before the blow. It always does. Understanding this is not sufficient to stop the blow. But it is the beginning of the only kind of seeing that makes stopping it possible.

Research and essay composition by Claude/Anthropic

A Note on Sources

The argument of this paper draws on an unusually diverse body of scholarship, and the convergence of evidence from multiple independent disciplines is itself part of the case.

On the class origins of law and constitutionalism: Charles Beard's An Economic Interpretation of the Constitution of the United States (1913) remains the foundational text, despite the subsequent controversy over his specific methodology. His core insight — that the document was produced by men with particular economic interests and that it consistently reflects those interests — has proven more durable than the specific correlations he proposed. Howard Zinn's A People's History of the United States (1980) synthesizes the broader tradition of class-based historical analysis of American law. For the medieval English context, Rodney Hilton's Bond Men Made Free (1973) and R.H. Tawney's The Agrarian Problem in the Sixteenth Century (1912) document the relationship between law, enclosure, and vagrancy with scholarly rigor.

On the vagrancy law tradition as a mechanism of labor control: Risa Goluboff's Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s (2016) is essential for the American context. The Oxford Research Encyclopedia entry on United States Vagrancy Laws (2018) provides comprehensive historical coverage. On the Reconstruction-era Black Codes specifically: Douglas Blackmon's Slavery by Another Name (2008) documents the convict leasing system with extraordinary historical granularity. Michelle Alexander's The New Jim Crow (2010) traces the same pattern through mass incarceration and the War on Drugs.

On dehumanization as a mechanism for enabling violence: David Livingstone Smith's Less Than Human: Why We Demean, Enslave, and Exterminate Others (2011) and On Inhumanity: Dehumanization and How to Resist It (2020) provide the most rigorous philosophical and psychological treatment of the phenomenon. Smith's central argument — that dehumanization is not merely rhetorical but involves a genuine ontological reclassification — is directly relevant to the legal-label mechanism described in this paper.

On the War on Drugs as political control: The John Ehrlichman admission, reported by Dan Baum in Harper's Magazine (April 2016) based on a 1994 interview, provides rare

direct evidence for what is usually an implicit process. The broader context is documented in Michelle Alexander's work above and in the Brennan Center for Justice's extensive research on racial disparities in drug enforcement. For the Abu Ghraib case: the Taguba Report (2004) and the Fay/Jones Report (2004), both declassified, provide the primary documentation. The Amnesty International report Cruel, Inhuman, Degrades Us All (2005) synthesizes the evidence on how the enemy combatant label enabled abuse.

On the information apparatus as the precondition for all of the above: Antonio Gramsci's Prison Notebooks (written 1929-1935, published posthumously) remain the theoretical foundation for understanding how ruling-class worldviews become the common sense of entire societies. The more recent literature on media framing and crime — in particular Stuart Hall and colleagues' Policing the Crisis: Mugging, the State, and Law and Order (1978) — documents empirically how the criminal label is applied through media in ways that consistently reflect and reinforce existing power arrangements.

The Anatole France epigraph is from The Red Lily (1894), translated by Winifred Stephens Whale (1908). The Madison quote about property and faction is from Federalist No. 10 (1787). The Ehrlichman quote is from Baum's Harper's piece cited above. The Hamilton quote — 'All communities divide themselves into the few and the many' — is from his speech to the Constitutional Convention, June 26, 1787.

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